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CLERK, U.S. DISTRICT COURT

APR 10 2017

CENTRAL DISTRICT OF CALIFORNIA  
BY: RS DEPUTY

DANIEL AVILA

FULL NAME

CBU# 4A2L#1

COMMITTED NAME (if different)

CSP - CORCORAN

FULL ADDRESS INCLUDING NAME OF INSTITUTION

4001 KING AVE.

CORCORAN, CA 93212

PRISON NUMBER (if applicable)

AH4032

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DANIEL AVILA

PLAINTIFF,

v.

LOS ANGELES COUNTY  
SHERIFF'S DEPARTMENT  
ET. AL.  
DEFENDANT(S).

CASE NUMBER 2:17-CV-02701-SJO-DFM

To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT  
PURSUANT TO (Check one)

- ☒
- 42 U.S.C. § 1983
- 
- ☐
- Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

## A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No
2. If your answer to "1." is yes, how many? \_\_\_\_\_

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

RECEIVED  
CLERK, U.S. DISTRICT COURT

APR - 7 2017

CENTRAL DISTRICT OF CALIFORNIA

BY: \_\_\_\_\_ DEPUTY

- a. Parties to this previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

- b. Court \_\_\_\_\_

- c. Docket or case number \_\_\_\_\_

- d. Name of judge to whom case was assigned \_\_\_\_\_

- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) \_\_\_\_\_

- f. Issues raised: \_\_\_\_\_

- g. Approximate date of filing lawsuit: \_\_\_\_\_

- h. Approximate date of disposition \_\_\_\_\_

**B. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred?
- ☒
- Yes
- ☐
- No

2. Have you filed a grievance concerning the facts relating to your current complaint?
- ☒
- Yes
- ☐
- No

If your answer is no, explain why not \_\_\_\_\_

3. Is the grievance procedure completed?
- ☐
- Yes
- ☒
- No

If your answer is no, explain why not SEE COMPLAINT MEMO AT "ITEM B.3"

4. Please attach copies of papers related to the grievance procedure.

**C. JURISDICTION** (SEE COMPLAINT MEMO AT "ITEM C.")

This complaint alleges that the civil rights of plaintiff

DANIEL AVILA

(print plaintiff's name)

who presently resides at

P.O. BOX 8800, CORCORAN, CA 93212

(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

LOS ANGELES COUNTY MEN'S CENTRAL JAIL (MCT) IN LOS

(institution/city where violation occurred)

ANGELES, CALIFORNIA.

CIVIL RIGHTS COMPLAINT

on (date or dates) 03/28/2013, THROUGH 03/30/2013  
(Claim I) (Claim II) (Claim III)

**NOTE:** You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant BLAKE ORLANDO S resides or works at  
(full name of first defendant)  
450 BAUCHET STREET, LOS ANGELES,  
(full address of first defendant)  
CA 90012  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

HE/SHE WAS ON DUTY AS AN LASD DEPUTY  
WITH AN LASD BADGE.

2. Defendant STEVEN PROVENZANO resides or works at  
(full name of first defendant)  
450 BAUCHET STREET, LOS ANGELES  
(full address of first defendant)  
CA 90012  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

HE/SHE WAS ON DUTY AS AN LASD DEPUTY  
WITH AN LASD BADGE.

3. Defendant SUNNY SOLOMUA resides or works at  
(full name of first defendant)  
450 BAUCHET STREET, LOS ANGELES,  
(full address of first defendant)  
CA 90012.  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

HE/SHE WAS ON DUTY AS AN LASD DEPUTY  
WITH AN LASD BADGE



4. Defendant JESUS ROOAS \_\_\_\_\_ resides or works at  
(full name of first defendant)  
450 BAUCHET STREET, LOS ANGELES,  
(full address of first defendant)  
CA 90012.  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

HE/SHE WAS ON DUTY AS AN LASD DEPUTY  
WITH AN LASD BADGE.

5. Defendant ANTHONY CASAREZ \_\_\_\_\_ resides or works at  
(full name of first defendant)  
450 BAUCHET STREET, LOS ANGELES,  
(full address of first defendant)  
CA 90012  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

HE/SHE WAS ON DUTY AS AN LASD DEPUTY  
WITH AN LASD BADGE.

(SEE COMPLAINT MEMO AT ITEMS "C. 6"  
THROUGH C. 60)



## D. CLAIMS\*

CLAIM I  
The following civil right has been violated: ON MARCH 28, 2013, ALL DEFENDANTS EACH PERSONALLY VIOLATED PLAINTIFF'S EIGHTH AMENDMENT RIGHT TO CRUEL AND UNUSUAL PUNISHMENT AND FIFTH AND FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS OF LAW BY OBSTRUCTING PLAINTIFF'S STATE COURT ORDERED TRANSFER TO STATE PRISON WHEN THERE WAS A "READILY AVAILABLE" SEAT FOR PLAINTIFF ON THE BUS TRANSPORTING COUNTY INMATES TO STATE PRISON ON THE NIGHT OF MARCH 28, 2013 AT 10:00 P.M. (22:00).

ALL DEFENDANTS EACH SHOWED DELIBERATE INDIFFERENCE BY DEVIATING FROM STANDARD OPERATING PROCEDURE (SOP) WHICH REQUIRES ALL COUNTY INMATES TO BE TRANSFERRED TO STATE PRISON AS BUS SEATS ARE AVAILABLE FOR THE INMATE'S CLASSIFICATION, NEXT-IN-ORDER, FROM THE INMATE WAITING THE LONGEST FOR TRANSFER TO STATE PRISON WITHOUT ANY HOLDS, PENDING, OR WARRANTS IN THE SYSTEM.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

ON MARCH 28, 2013 ALL DEFENDANTS EACH KNEW PLAINTIFF WAS A K-10 INMATE AND THAT A CAGE WOULD BE AVAILABLE FOR HIM ON THE NEXT BUS LEAVING THE INMATE RELEASE CENTER (IRC), IN THE EARLY MORNING HOURS OF MARCH 29, 2013. THEY DELIBERATELY CALLED TRANSPORTATION STAFF TO "SCRATCH-OFF" PLAINTIFF FROM THAT BUS SPECIFICALLY TO BUY THEM ENOUGH TIME (WEEKEND) TO FORCE PLAINTIFF INTO BECOMING A "MENTAL HEALTH INMATE-PATIENT (MHIP)" WITHOUT A MEDICAL DOCTOR'S ORDER OR COURT ORDER. ALL DEFENDANTS STATED THAT DAY THAT THEY WANTED TO "PUNISH" PLAINTIFF FOR ALL THE PROBLEMS HE CAUSED DEFENDANTS. HAD DEFENDANTS NOT MADE SAID CALL, TRANSPORTATION STAFF WOULD HAVE TRANSPORTED PLAINTIFF TO STATE PRISON PREVENTING ALL DEFENDANTS FROM HAVING THE PHYSICAL ABILITY TO FORCE PLAINTIFF INTO MENTAL HEALTH TREATMENT.

\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

(SEE COMPLAINT MEMO AT "ITEM D.")



## E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

UNSPECIFIED DAMAGES/RELIEF

AT THIS STAGE, PLAINTIFF RESERVES HIS RIGHT TO AMEND THE RELIEF PORTION OF THIS COMPLAINT.

PLAINTIFF HAS STATED AT LEAST ONE CLAIM IN WHICH AT LEAST ONE FORM OR KIND OF RELIEF COULD BE GRANTED BY THIS COURT UPON SPECIFICATION.

FOR EXAMPLE, IF A CLAIM ALLEGES ALL DEFENDANTS DID A CIVIL RIGHTS VIOLATION AND THIS COURT COULD REASONABLY CONCLUDE THE POSSIBILITY ONE OR MORE RELIEFS COULD BE GRANTED AGAINST AT LEAST ONE LISTED DEFENDANT, THEN PLAINTIFF MEETS THE THRESHOLD TO PROCEED PAST PLEADING STAGE. IN OTHER WORDS, PLAINTIFF IS ALLOWED TO UTILIZE THE "DRAG-NET APPROACH" AT THE PLEADING STAGE AND WHATEVER "STICKS ON THE WALL" AT THE SUMMARY JUDGMENT STAGE IS WHAT PLAINTIFF GETS. SO LONG AS ONE GETS THROUGH, THIS "CIVIL ACTION" IS CONCEIVED.

MARCH 26, 2017

(Date)

DANIEL AVILA



(Signature of Plaintiff)

ATTACHMENTS: (1) IFP APPLICATION; (2) COMPLAINT MEMO; (3) PLAINTIFF'S DECLARATION OF INSTITUTIONAL MAILING.

DANIEL AVILA  
CDCR # AH4032  
YAZL #1  
P.O. BOX 8800

CORCORAN  
STATE PRISON



U.S. POSTAGE & METALS  
EPA 92212 \$002.45<sup>0</sup>  
0001788340 APR 05 2017

CORCORAN, CA  
93212-8800

TRUST ACCOUNT WITHDRAWAL SLIP  
IS ATTACHED FOR MAILROOM

TO: UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT CALIFORNIA  
WESTERN DIVISION  
312 NORTH SPRING STREET  
LOS ANGELES, CA 90012



*Handwritten signature or initials.*



LETTER MAIL





ONE CENT STAMPS TO INVOKE THE  
FEDERAL JURISDICTIONAL CAYER  
BETWEEN MY CELL AND USPS  
ONCE I SEAL THIS ENVELOPE.



9/9/17

✓